

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

TYJUAN ANDERSON,)
Plaintiff,)
v.) Case No. 15CV50065
CITY OF ROCKFORD, DOMINIC IASPARRO,)
JOSEPH STEVENS, JAMES RANDALL,)
DOUG PALMER, SCOTT MASTROIANNI,)
THEO GLOVER, KURT WHISENHAND,)
TORY REGEZ, SHERYL LINDMARK AS THE)
PERSONAL REPRESENTATIVE OF THE)
ESTATE OF GREGORY LINDMARK, AND)
UNKNOWN EMPLOYEES OF THE CITY OF)
ROCKFORD, JOHN DOES ONE THROUGH)
NINE,)
Defendants.)

DEFENDANTS DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL,
SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND AND TERRY
REGEZ'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT

ANSWER TO COMPLAINT

DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, some of the Defendants in the above-captioned matter, by and through their attorneys, Andrew T. Smith and Paul R. Cicero, and for their Answer to Plaintiff's Complaint for Damages, state as follows:

INTRODUCTORY AND JURISDICTIONAL STATEMENT

1. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, admit that Plaintiff has alleged a cause of action pursuant to 42 U.S.C. § 1983, but specifically answer those allegations as more fully set forth herein.

2. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit that the allegations of Plaintiff's Complaint give rise to "federal question" jurisdiction, but specifically answer those allegations as more fully set forth herein.
3. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph three (3).
4. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph four (4).

PARTIES

5. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, lack sufficient knowledge and information to respond to the allegations regarding Plaintiff's residency or how he brings suit and deny the remaining allegations contained in paragraph five (5).
6. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph six (6).
7. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph seven (7).

8. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, lack sufficient knowledge and information to respond to the allegations contained in paragraph eight (8).

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

9. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph nine (9).

10. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ten (10).

11. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eleven (11).

12. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit that Anderson, Ross and Johnson voluntarily went to the police station, but deny the remaining allegations of paragraph twelve (12).

13. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirteen (13).

14. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY

REGEZ, deny that Javarus Williams voluntarily came to the police station, but admit the remaining allegations of paragraph fourteen (14).

15. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph fifteen (15).

16. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, lack sufficient knowledge and information to respond to the allegations contained in paragraph sixteen (16).

17. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph seventeen (17).

18. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph eighteen (18).

19. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph nineteen (19).

20. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph twenty (20).

21. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-one (21).
22. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-two (22).
23. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-three (23) regarding any misconduct on their part and lack sufficient knowledge and information to respond to the allegations regarding any statements that a prosecutor may or may not have made.
- 23.[sic] Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-three (23)[sic].
24. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-four (24).
25. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-five (25) that Lataurean Brown's statement was manufactured, but admit that he said Ross, Johnson and Anderson were responsible for DeMarcus Hanson's shooting.

26. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-six (26).
27. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit that Dowthard implicated Ross, Johnson and Anderson were responsible for DeMarcus Hanson's shooting, but deny the remaining allegations of paragraph twenty-seven (27).
28. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-eight (28).
29. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph twenty-nine (29).
30. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty (30).
31. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-one (31).
32. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-two (32).

33. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-three (33).
34. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-four (34).
35. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-five (35).
36. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-six (36).
37. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-seven (37).
38. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-eight (38).
39. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph thirty-nine (39).

40. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty (40).
41. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-one (41).
42. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-two (42).
43. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-three (43).
44. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-four (44).
45. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-five (45).
46. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-six (46).

47. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-seven (47).
48. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-eight (48).
49. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph forty-nine (49).
50. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty (50) that are directed to them.
51. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-one (51).
52. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-two (52).
53. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-three (53) that are directed to them.

54. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-four (54).
55. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-five (55).
56. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-six (56).
57. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-seven (57).
58. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-eight (58).
59. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph fifty-nine (59).
60. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph sixty (60).

61. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph sixty-one (61).
62. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph sixty-two (62).
63. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph sixty-three (63).
64. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph sixty-four (64).
65. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph sixty-five (65).

COUNT I

Manufacture of Fabricated and Perjured Testimony in violation of 42 U.S.C. § 1983

66. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, incorporate their answers to paragraphs 1 through 65 of Plaintiff's Complaint as their answer to paragraph 66 of Plaintiff's Complaint.

67. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph sixty-seven (67).
68. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph sixty-eight (68).
69. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph sixty-nine (69).
70. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph seventy (70).
71. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph seventy-one (71).
72. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph seventy-two (72).
73. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph seventy-three (73).

74. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph seventy-four (74).
75. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph seventy-five (75).
76. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph seventy-six (76).

COUNT II

Withheld Material Evidence – Brady and Giglio Violations – in violation of 42 U.S.C. § 1983

77. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, incorporate their answers to paragraphs 1 through 76 of Plaintiff's Complaint as their answer to paragraph 77 of Plaintiff's Complaint.
78. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, admit the allegations of paragraph seventy-eight (78).
79. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph seventy-nine (79).

80. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty (80).
81. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-one (81).
82. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-two (82).
83. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph eighty-three (83).
84. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-four (84).
85. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-five (85).
86. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-six (86).

87. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-seven (87).
88. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-eight (88).
89. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph eighty-nine (89).
90. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ninety (90).

COUNT III

Failure to Intervene to prohibit or halt the violation of Constitutional Rights in violation of 42 U.S.C. § 1983

91. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, incorporate their answers to paragraphs 1 through 90 of Plaintiff's Complaint as their answer to paragraph 91 of Plaintiff's Complaint.
92. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, admit the allegations of paragraph ninety-two (92).

93. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ninety-three (93).
94. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ninety-four (94).
95. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ninety-five (95).
96. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ninety-six (96).
97. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph ninety-seven (97).

COUNT IV

Conspiracy to violate Constitutional Rights in violation of 42 U.S.C. § 1983

98. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, incorporate their answers to paragraphs 1 through 97 of Plaintiff's Complaint as their answer to paragraph 98 of Plaintiff's Complaint.

99. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, admit the allegations of paragraph ninety-nine (99).
100. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph one hundred (100).
101. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph one hundred one (101).
102. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph one hundred two (102).
103. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph one hundred three (103).
104. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph one hundred four (104).
105. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TORRY REGEZ, deny the allegations of paragraph one hundred five (105).

106. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph one hundred six (106).
107. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph one hundred seven (107).
108. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph one hundred eight (108).
109. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph one hundred nine (109).
110. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph one hundred ten (110).
111. Defendants, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, deny the allegations of paragraph one hundred eleven (111).

Wherefore, Defendants DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND, AND TERRY REGEZ respectfully pray this Court to dismiss Plaintiff's Complaint, with costs and expenses being assessed to Plaintiff.

AFFIRMATIVE DEFENSES

DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ, some of the Defendants in the above-captioned matter, by and through their attorneys, Andrew T. Smith and Paul R. Cicero, and for their Affirmative Defenses to Plaintiff's Complaint, state as follows:

1. The actions of Defendants DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ were undertaken in their capacity as police officers and were further subjectively and objectively reasonable based upon the totality of the circumstances.
2. The actions of Defendants DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ were undertaken in their capacity as police officers and further fall within the protections afforded by qualified immunity and statutory immunity under the Illinois Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101, et seq.
3. The actions of Defendants DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ were undertaken in their capacity as police officers and further fall within the protections afforded by qualified immunity inasmuch as all of their actions were undertaken as police officers acting within the scope of their discretion in making an arrest.
4. The actions of Defendants DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND and TERRY REGEZ were undertaken in their capacity as police officers and further fall within the protections afforded by qualified immunity inasmuch as all of their actions were undertaken with the reasonable belief that the Plaintiff had committed a criminal offense.

Wherefore, Defendants DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND, AND TERRY REGEZ respectfully pray this Court to dismiss Plaintiff's Complaint, with costs and expenses being assessed to Plaintiff.

DEFENDANTS, DOMINIC IASPARRO, JOSEPH STEVENS, JAMES RANDALL, SCOTT MASTROIANNI, THEO GLOVER, KURT WHISENAND, AND TORRY REGEZ, DEMAND A TRIAL BY JURY AS TO ALL CLAIMS AND AFFIRMATIVE DEFENSES

DOMINIC IASPARRO, JOSEPH STEVENS,
JAMES RANDALL, SCOTT MASTROIANNI,
THEO GLOVER, KURT WHISENAND, AND
TORRY REGEZ, Individually and as an Agent
and/or Employee of the City of Rockford,
Defendants
BY: CICERO, FRANCE & ALEXANDER, P.C.,
their attorneys

By: /s/ Andrew T. Smith
/s/ Paul R. Cicero

Prepared by:
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6323 East Riverside Blvd.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon the following:

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KURT WHISENAND and TORRY REGEZ:**

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THE PERSONAL REPRESENTATIVE OF
THE ESTATE OF GREGORY LINDMARK:**

Attorney Robert C. Pottinger
rcpottinger@bslbv.com, cdixon@bslbv.com

by electronic mail addressed as above on November 18, 2015.

/s/ Andrew T. Smith

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